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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,213	01/14/2002	Kazuhiro Sakata	8006-1002	6194

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EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,213

Applicant(s)

SAKATA, KAZUHIRO

Examiner

Jude J Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to communication filed on 01/11/2002. Claimed priority is granted from Foreign Application 2001-005469 Filing Date: 01/12/2001.

Information Disclosure Statement

1. The references listed on the Information Disclosure Statement submitted on 01/12/2005 have been considered by the examiner (see attached PTO-1449A).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (Schneider), U.S. Patent No. 6,442,549 B1, in view of Hoffberg (Hoffberg), U.S. Patent No. 6,850,252 B1.

Regarding **claim 1**, Schneider discloses the invention substantially as claimed.

Schneider teaches a message reception device (*fig. 4A, item 136*) comprising:

message reception means for receiving a message through a network (*column 16, lines 24-65*);

message filter means for screening messages with a valid range including a valid range from said received messages (*column 25, lines 59-67; column 26, lines 1-6*);

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However, Schneider fails to specifically disclose positioning means for measuring its own current position; message delivery assessment means for selecting the message with a valid range in which the measured current position is within the valid range; and message delivery means for delivering the message with a valid range received by said message reception means or selected by said message delivery assessment means to a user.

In the same field of endeavor, Hoffberg discloses a method to determine and assess the movement of a device and a means to "calculate efficiency based on the position of the device and act accordingly for message reception with means for assessment.." [see *Hoffberg*, column 187, lines 15-67; column 115, lines 5-67].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Hoffberg's teachings of a method to use a positioning method and means for message transmission, with the teachings of Schneider, for the purpose of "offering a Global positioning system technology to assure final delivery to any distributed public network..." as stated by Schneider in lines 52-59 of column 33. By this rationale **claim 1** is rejected.

Regarding **claim 2**, the combination Schneider-Hoffberg discloses a message reception device as set forth in claim 1, wherein further comprising message storage means for storing the message with a valid range [see *Schneider*, column 21, lines 10-

63]. The same motivation that is used for the rejection of claim 1 is also valid for claim 2 [see *Schneider*, column 33, lines 52-59]. By this rationale **claim 2** is rejected.

Regarding **claim 3**, the combination Schneider-Hoffberg discloses a message reception device as set forth in claim 1, wherein the screening of the messages with a valid range by said message filter means is targeted to the message satisfying a predetermined condition [see *Schneider*, column 21, lines 10-63]. The same motivation that is used for the rejection of claim 1 is also valid for claim 3 [see *Schneider*, column 33, lines 52-59]. By this rationale **claim 3** is rejected.

Regarding **claim 4**, the combination Schneider-Hoffberg discloses a message reception device as set forth in claim 3, wherein the predetermined condition for screening the messages with a valid range by said message filter means is a sender of the message with a valid range [see *Schneider*, column 25, lines 59-67; column 26, lines 1-6]. The same motivation that is used for the rejection of claim 1 is also valid for claim 4 [see *Schneider*, column 33, lines 52-59]. By this rationale **claim 4** is rejected.

Regarding **claim 5**, the combination Schneider-Hoffberg discloses message reception device as set forth in claim 2, wherein said message storage means comprises clock means, sets a limit of validity to the message with a valid range, stores the a limit of validity, and deletes the message with a valid range whose limit of validity has been exceeded [see *Schneider*, column 20, lines 39-58]. The same motivation that is used for the rejection of claim 1 is also valid for claim 5 [see *Schneider*, column 33, lines 52-59]. By this rationale **claim 5** is rejected.

Regarding **claim 6**, the combination Schneider-Hoffberg discloses a message reception device as set forth in claim 1, wherein the limit of validity of the message with a valid range is after a given time period from the time when the message with a valid range is stored[see *Schneider, column 20, lines 39-58*]. The same motivation that is used for the rejection of claim 1 is also valid for claim 6 [see *Schneider, column 33, lines 52-59*]. By this rationale **claim 6** is rejected.

Regarding **claim 7**, the combination Schneider-Hoffberg discloses a message reception device as set forth in claim 1, wherein the limit of validity of the message with a valid range is the limit indicated in the limit of validity information added to the message with a valid range [see *Schneider, column 21, lines 10-63*]. The same motivation that is used for the rejection of claim 1 is also valid for claim 7 [see *Schneider, column 33, lines 52-59*]. By this rationale **claim 7** is rejected.

Regarding **claim 8**, the combination Schneider-Hoffberg discloses a message reception device as set forth in claim 1, wherein assessment within the valid range by said message delivery assessment means is performed whether the measured own current position is within a predetermined radius centered on a center position of the valid range [see *Schneider, column 34, lines 22-63*]. The same motivation that is used for the rejection of claim 1 is also valid for claim 8 [see *Schneider, column 33, lines 52-59*]. By this rationale **claim 8** is rejected.

Regarding **claim 9**, the combination Schneider-Hoffberg discloses a message reception device as set forth in claim 2, wherein said message filter means delivers the message by said message delivery means when receiving the message, and stores the

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message with a valid range specified by the user in said message storage means[see *Schneider, column 21, lines 10-63; column 22, lines 1-51*]. The same motivation that is used for the rejection of claim 1 is also valid for claim 9 [see *Schneider, column 33, lines 52-59*]. By this rationale **claim 9** is rejected.

Regarding **claim 10**, the combination Schneider-Hoffberg discloses a message reception device as set forth in claim 1, wherein said message delivery means assesses whether a pointer information is included in the message with a valid range, obtains the information pointed to by the pointer information when the pointer information is included, and delivers the obtained information to the user [see Hoffberg, column 188, lines 8-50]. The same motivation that is used for the rejection of claim 1 is also valid for claim 10 [see *Schneider, column 33, lines 52-59*]. By this rationale **claim 10** is rejected.

Regarding **claim 11**, the combination Schneider-Hoffberg discloses a message reception device as set forth in claim 1, wherein said message delivery means is a device separated from a main body of the message reception device [see *Schneider, column 16, lines 24-65*]. The same motivation that is used for the rejection of claim 1 is also valid for claim 11 [see *Schneider, column 33, lines 52-59*]. By this rationale **claim 11** is rejected.

Regarding **claim 15**, the combination Schneider-Hoffberg discloses a message reception method as set forth in claim 12, wherein the message with a valid range is stored by setting a limit of validity to the message with a valid range, and the message with a valid range whose limit of validity has been exceeded is deleted [see *Schneider, column 21, lines 10-67*]. The same motivation that is used for the rejection of claim 1 is

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also valid for claim 15 [see *Schneider*, column 33, lines 52-59]. By this rationale **claim 15** is rejected.

Regarding **claim 21**, the combination Schneider-Hoffberg discloses a program for receiving messages which controls a computer to perform message reception processing, comprising the functions of:

a function of receiving a message through a network [see *Schneider*, column 16, lines 24-65];

a function of screening messages with a valid range including a valid range from the received messages [see *Schneider*, column 25, lines 59-67; column 26, lines 1-6]; and

a function of storing a screened message with a valid range in a message storage unit [see *Schneider*, column 25, lines 59-67; column 26, lines 1-6], and

delivering a message which was not screened to a user [see *Hoffberg*, column 143, lines 47-67; column 144, lines 1-56].

Regarding **claim 22**, the combination Schneider-Hoffberg discloses a program for receiving messages which controls a computer to perform message reception processing, comprising the functions of:

a function of measuring its own current position [see *Hoffberg*, column 187, lines 15-67; column 115, lines 5-67];

a function of selecting a message with a valid range for which the measured current position is in its valid range from the messages with a valid range [see *Schneider*, column 25, lines 59-67; column 26, lines 1-6]; and

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a function of delivering the selected message with a valid range to a user [see *Schneider, column 25, lines 59-67; column 26, lines 1-6*]. The same motivation that is used for the rejection of claim 1 is also valid for claim 22 [see *Schneider, column 33, lines 52-59*]. By this rationale **claim 22** is rejected.

Regarding **claim 23**, the combination Schneider-Hoffberg discloses a program for receiving messages which controls a computer to perform message reception processing, comprising the functions of:

a function of receiving a message through a network [see *Schneider, column 16, lines 24-65*];

a function of screening messages with a valid range including a valid range from the received messages [see *Schneider, column 25, lines 59-67; column 26, lines 1-6*];

a function of storing the screened message with a valid range in a message storage unit, and delivering a message which was not screened to a user [see *Hoffberg, column 143, lines 47-67; column 144, lines 1-56*]

a function of measuring its own current position [see *Hoffberg, column 187, lines 15-67; column 115, lines 5-67*];

a function of selecting the stored message with a valid range for which the measured current position is in its valid range [see *Schneider, column 25, lines 59-67; column 26, lines 1-6*]; and

a function of delivering the selected message with a valid range to a user [see *Schneider, column 25, lines 59-67; column 26, lines 1-6*]. The same motivation that is

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used for the rejection of claim 1 is also valid for claim 23 [see *Schneider*, column 33, lines 52-59]. By this rationale **claim 23** is rejected.

Similar Claims

4. **Claim 12** lists all the same elements of **claim 1**, but in method form rather than device form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 12**.

Claim 13 lists all the same elements of **claim 3**, but in method form rather than device form. Therefore, the supporting rationale of the rejection to **claim 3** applies equally as well to **claim 13**.

Claim 13 lists all the same elements of **claim 3**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 3** applies equally as well to **claim 13**.

Claim 14 lists all the same elements of **claim 4**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 4** applies equally as well to **claim 14**.

Claim 16 lists all the same elements of **claim 6**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 6** applies equally as well to **claim 16**.

Claim 17 lists all the same elements of **claim 7**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 7** applies equally as well to **claim 17**.

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Claim 18 lists all the same elements of **claim 8**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 8** applies equally as well to **claim 18**.

Claim 19 is substantially the same as **claim 9**, and is thus rejected for reasons similar to those in rejecting **claim 9**.

Claim 20 lists all the same elements of **claim 10**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 10** applies equally as well to **claim 20**.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

February 21, 2005



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